United Nations S/RES/1849 (2008)

Security Council

Distr.: General

12 December 2008

Resolution 1849 (2008)

Adopted by the Security Council at its 6040th meeting, on 12 December 2008

The Security Council,

Taking note of the letter to the President of the Council from the Secretary-General dated 5 December 2008, attaching the letter to him from the President of the International Tribunal for the former Yugoslavia dated 26 November 2008 (S/2008/767),

Recalling its resolution 1800 (2008) of 20 February 2008, which permitted the total number of ad litem Judges appointed at any one time to the Chambers of the International Tribunal for the former Yugoslavia ("International Tribunal") to be increased to sixteen until 31 December 2008,

Noting that the International Tribunal currently has a total of 14 ad litem Judges assigned to cases; that three of them are assigned in a case where the judgment delivery is expected by 12 February 2009, and that the appointment of a further ad litem Judge to another case expected to commence on 15 December 2008 would take the total number of ad litem Judges to fifteen until 12 February 2009,

Recalling that resolution 1503 (2003) of 28 August 2003 called upon the International Tribunal to take all possible measures to complete investigations by the end of 2004, to complete all trial activities at first instance by the end of 2008, and to complete all work in 2010, and that resolution 1534 (2004) of 26 March 2004 emphasized the importance of fully implementing the International Tribunal's completion strategy,

Convinced of the advisability of extending this exceptional authorization granted to the Secretary-General in resolution 1800 (2008) as a temporary measure to enable the International Tribunal to complete and conduct additional trials as soon as possible in order to meet its completion strategy,

Acting under Chapter VII of the Charter of the United Nations,

Decides that the Secretary-General may appoint, within existing resources, additional ad litem Judges upon request of the President of the International Tribunal in order to complete existing trials or conduct additional trials, notwithstanding that the total number of ad litem Judges appointed to the Chambers will from time to time temporarily exceed the maximum of twelve provided for in

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article 12 (1) of the Statute of the International Tribunal, to a maximum of sixteen at any one time, returning to a maximum of twelve by 28 February 2009,

Decides to remain seized of the matter.

United Nations S/RES/1850 (2008)

Security Council

Distr.: General
16 December 2008

Resolution 1850 (2008)

Adopted by the Security Council at its 6045th meeting, on 16 December 2008

The Security Council,

Recalling all its previous relevant resolutions, in particular resolutions 242, 338, 1397, and 1515 and the Madrid principles,

Reiterating its vision of a region where two democratic States, Israel and Palestine, live side by side in peace within secure and recognized borders,

Welcoming the 9 November 2008 statement from the Quartet and the Israeli-Palestinian Joint Understanding announced at the November 2007 Annapolis Conference, including in relation to implementation of the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict,

Noting also that lasting peace can only be based on an enduring commitment to mutual recognition, freedom from violence, incitement, and terror, and the two-State solution, building upon previous agreements and obligations,

Noting the importance of the 2002 Arab Peace Initiative,

Encouraging the Quartet's ongoing work to support the parties in their efforts to achieve a comprehensive, just and lasting peace in the Middle East,

1. *Declares* its support for the negotiations initiated at Annapolis, Maryland on 27 November 2007 and its commitment to the irreversibility of the bilateral negotiations;

2. *Supports* the parties' agreed principles for the bilateral negotiating process and their determined efforts to reach their goal of concluding a peace treaty resolving all outstanding issues, including all core issues, without exception, which confirm the seriousness of the Annapolis process;

3. *Calls on* both parties to fulfil their obligations under the Performance-Based Roadmap, as stated in their Annapolis Joint Understanding, and refrain from any steps that could undermine confidence or prejudice the outcome of negotiations;

4. *Calls on* all States and international organizations to contribute to an atmosphere conducive to negotiations and to support the Palestinian government that is committed to the Quartet principles and the Arab Peace Initiative and respects the commitments of the Palestinian Liberation Organization, to assist in the

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development of the Palestinian economy, to maximize the resources available to the Palestinian Authority, and to contribute to the Palestinian institution-building programme in preparation for statehood;

5. *Urges* an intensification of diplomatic efforts to foster in parallel with progress in the bilateral process mutual recognition and peaceful coexistence between all States in the region in the context of achieving a comprehensive, just and lasting peace in the Middle East;

6. *Welcomes* the Quartet's consideration, in consultation with the parties, of an international meeting in Moscow in 2009;

7. *Decides* to remain seized of the matter.

United Nations S/RES/1851 (2008)

Security Council

Distr.: General
16 December 2008

Resolution 1851 (2008)

Adopted by the Security Council at its 6046th meeting, on 16 December 2008

The Security Council,

Recalling its previous resolutions concerning the situation in Somalia, especially resolutions 1814 (2008), 1816 (2008), 1838 (2008), 1844 (2008), and 1846 (2008),

Continuing to be gravely concerned by the dramatic increase in the incidents of piracy and armed robbery at sea off the coast of Somalia in the last six months, and by the threat that piracy and armed robbery at sea against vessels pose to the prompt, safe and effective delivery of humanitarian aid to Somalia, and *noting* that pirate attacks off the coast of Somalia have become more sophisticated and daring and have expanded in their geographic scope, notably evidenced by the hijacking of the M/V Sirius Star 500 nautical miles off the coast of Kenya and subsequent unsuccessful attempts well east of Tanzania,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia, including Somalia's rights with respect to offshore natural resources, including fisheries, in accordance with international law,

Further reaffirming that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 (UNCLOS), sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities,

Again taking into account the crisis situation in Somalia, and the lack of capacity of the Transitional Federal Government (TFG) to interdict, or upon interdiction to prosecute pirates or to patrol and secure the waters off the coast of Somalia, including the international sea lanes and Somalia's territorial waters,

Noting the several requests from the TFG for international assistance to counter piracy off its coast, including the letter of 9 December 2008 from the President of Somalia requesting the international community to assist the TFG in taking all necessary measures to interdict those who use Somali territory and airspace to plan, facilitate or undertake acts of piracy and armed robbery at sea, and the 1 September 2008 letter from the President of Somalia to the Secretary-General of the UN expressing the appreciation of the TFG to the Security Council for its assistance and expressing the TFG's willingness to consider working with other

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States and regional organizations to combat piracy and armed robbery off the coast of Somalia,

Welcoming the launching of the EU operation Atalanta to combat piracy off the coast of Somalia and to protect vulnerable ships bound for Somalia, as well as the efforts by the North Atlantic Treaty Organization, and other States acting in a national capacity in cooperation with the TFG to suppress piracy off the coast of Somalia,

Also welcoming the recent initiatives of the Governments of Egypt, Kenya, and the Secretary-General's Special Representative for Somalia, and the United Nations Office on Drugs and Crime (UNODC) to achieve effective measures to remedy the causes, capabilities, and incidents of piracy and armed robbery off the coast of Somalia, and *emphasizing* the need for current and future counter-piracy operations to effectively coordinate their activities,

Noting with concern that the lack of capacity, domestic legislation, and clarity about how to dispose of pirates after their capture, has hindered more robust international action against the pirates off the coast of Somalia and in some cases led to pirates being released without facing justice, and *reiterating* that the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation ("SUA Convention") provides for parties to create criminal offences, establish jurisdiction, and accept delivery of persons responsible for or suspected of seizing or exercising control over a ship by force or threat thereof or any other form of intimidation,

Welcoming the report of the Monitoring Group on Somalia of 20 November 2008 (S/2008/769), and *noting* the role piracy may play in financing embargo violations by armed groups,

Determining that the incidents of piracy and armed robbery at sea in the waters off the coast of Somalia exacerbate the situation in Somalia which continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reiterates* that it condemns and deplores all acts of piracy and armed robbery against vessels in waters off the coast of Somalia;

2. *Calls* upon States, regional and international organizations that have the capacity to do so, to take part actively in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with this resolution, resolution 1846 (2008), and international law, by deploying naval vessels and military aircraft and through seizure and disposition of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery at sea off the coast of Somalia, or for which there are reasonable grounds for suspecting such use;

3. *Invites* all States and regional organizations fighting piracy off the coast of Somalia to conclude special agreements or arrangements with countries willing to take custody of pirates in order to embark law enforcement officials ("shipriders") from the latter countries, in particular countries in the region, to facilitate the investigation and prosecution of persons detained as a result of operations conducted under this resolution for acts of piracy and armed robbery at sea off the coast of Somalia, provided that the advance consent of the TFG is obtained for the

exercise of third state jurisdiction by shipriders in Somali territorial waters and that such agreements or arrangements do not prejudice the effective implementation of the SUA Convention;

4. *Encourages* all States and regional organizations fighting piracy and armed robbery at sea off the coast of Somalia to establish an international cooperation mechanism to act as a common point of contact between and among states, regional and international organizations on all aspects of combating piracy and armed robbery at sea off Somalia's coast; and *recalls* that future recommendations on ways to ensure the long-term security of international navigation off the coast of Somalia, including the long-term security of WFP maritime deliveries to Somalia and a possible coordination and leadership role for the United Nations in this regard to rally Member States and regional organizations to counter piracy and armed robbery at sea off the coast of Somalia are to be detailed in a report by the Secretary-General no later than three months after the adoption of resolution 1846;

5. *Further encourages* all states and regional organizations fighting piracy and armed robbery at sea off the coast of Somalia to consider creating a centre in the region to coordinate information relevant to piracy and armed robbery at sea off the coast of Somalia, to increase regional capacity with assistance of UNODC to arrange effective shiprider agreements or arrangements consistent with UNCLOS and to implement the SUA Convention, the United Nations Convention against Transnational Organized Crime and other relevant instruments to which States in the region are party, in order to effectively investigate and prosecute piracy and armed robbery at sea offences;

6. In response to the letter from the TFG of 9 December 2008, *encourages* Member States to continue to cooperate with the TFG in the fight against piracy and armed robbery at sea, *notes* the primary role of the TFG in rooting out piracy and armed robbery at sea, and *decides* that for a period of twelve months from the date of adoption of resolution 1846, States and regional organizations cooperating in the fight against piracy and armed robbery at sea off the coast of Somalia for which advance notification has been provided by the TFG to the Secretary-General may undertake all necessary measures that are appropriate in Somalia, for the purpose of suppressing acts of piracy and armed robbery at sea, pursuant to the request of the TFG, provided, however, that any measures undertaken pursuant to the authority of this paragraph shall be undertaken consistent with applicable international humanitarian and human rights law;

7. *Calls on* Member States to assist the TFG, at its request and with notification to the Secretary-General, to strengthen its operational capacity to bring to justice those who are using Somali territory to plan, facilitate or undertake criminal acts of piracy and armed robbery at sea, and *stresses* that any measures undertaken pursuant to this paragraph shall be consistent with applicable international human rights law;

8. *Welcomes* the communiqué issued by the International Conference on Piracy around Somalia held in Nairobi, Kenya, on 11 December 2008 and *encourages* Member States to work to enhance the capacity of relevant states in the region to combat piracy, including judicial capacity;

9. *Notes* with concern the findings contained in the 20 November 2008 report of the Monitoring Group on Somalia that escalating ransom payments are fuelling the growth of piracy in waters off the coast of Somalia, and that the lack of enforcement of the arms embargo established by resolution 733 (1992) has permitted ready access to the arms and ammunition used by the pirates and driven in part the phenomenal growth in piracy;

10. *Affirms* that the authorization provided in this resolution apply only with respect to the situation in Somalia and shall not affect the rights or obligations or responsibilities of Member States under international law, including any rights or obligations under UNCLOS, with respect to any other situation, and underscores in particular that this resolution shall not be considered as establishing customary international law, and *affirms further* that such authorizations have been provided only following the receipt of the 9 December 2008 letter conveying the consent of the TFG;

11. *Affirms* that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 or resolution 1425 (2002) shall not apply to weapons and military equipment destined for the sole use of Member States and regional organizations undertaking measures in accordance with paragraph 6 above;

12. *Urges* States in collaboration with the shipping and insurance industries, and the IMO to continue to develop avoidance, evasion, and defensive best practices and advisories to take when under attack or when sailing in waters off the coast of Somalia, and *further urges* States to make their citizens and vessels available for forensic investigation as appropriate at the first port of call immediately following an act or attempted act of piracy or armed robbery at sea or release from captivity;

13. *Decides* to remain seized of the matter.

United Nations S/RES/1852 (2008)

Security Council

Distr.: General
17 December 2008

Resolution 1852 (2008)

Adopted by the Security Council at its 6048th meeting, on 16 December 2008

The Security Council,

Recalling all its previous relevant resolutions, in particular resolutions 1595 (2005), 1636 (2005), 1644 (2005), 1664 (2006), 1686 (2006), 1748 (2007), 1757 (2007), 1815 (2008), 1373 (2001) and 1566 (2004),

Reaffirming its strongest condemnation of the 14 February 2005 terrorist bombing, as well as of all other attacks in Lebanon since October 2004, and reaffirming also that those involved in these attacks must be held accountable for their crimes,

Having examined the report of the International Independent Investigation Commission (S/2008/752) ("The Commission"), submitted pursuant to resolutions 1595 (2005), 1636 (2005), 1644 (2005), 1686 (2006), 1748 (2007) and 1815 (2008),

Taking note of the Secretary-General's announcement that the Special Tribunal for Lebanon (The Tribunal) is fully on track to commence functioning on 1 March 2009,

Taking note of the Commission's request to extend its mandate up to 28 February 2009, so that it can continue its investigation without interruption and gradually transfer operations, staff and assets to The Hague with a view to completing the transition by the time the Tribunal starts functioning,

Taking note of the letter of the Prime Minister of Lebanon of 4 December 2008 (S/2008/764, Enclosure) to the Secretary-General expressing the hope that the Security Council will respond favourably to the Commission's request,

Commending the Commission for its extensive work and the progress it continues to achieve in the investigation on all cases within its mandate, and *looking forward* to further progress in this regard by the Commission as well as by the Office of the Prosecutor, once it begins to operate and takes over the continuation of the investigation into the death of former Prime Minister Rafiq Hariri and other cases which may be connected with the attack of 14 February 2005, in conformity with the Statute of the Tribunal,

Recognizing the commitment of Member States to the work of the Commission and *underlining* the importance of the continuation of their full cooperation with the

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Commission and, once it begins to operate, with the Office of the Prosecutor, in accordance with resolution 1757 (2007), in order to enable effective investigations and prosecutions,

1. *Welcomes* the report of the Commission;

2. *Decides* to extend the mandate of the Commission until 28 February 2009;

3. *Decides* to remain seized of the matter.

United Nations S/RES/1853 (2008)

Security Council

Provisional

18 December 2008

Original: English

Resolution 1853 (2008)

Adopted by the Security Council at its 6050th meeting, on 19 December 2008

The Security Council,

Reaffirming its previous resolutions and the statements of its President concerning the situation in Somalia, in particular resolution 733 (1992) of 23 January 1992, which established an embargo on all delivery of weapons and military equipment to Somalia (hereinafter referred to as the "arms embargo"), resolution 1519 (2003) of 16 December 2003, resolution 1558 (2004) of 17 August 2004, resolution 1587 (2005) of 15 March 2005, resolution 1630 (2005) of 14 October 2005, resolution 1676 (2006) of 10 May 2006, resolution 1724 (2006) of 29 November 2006, resolution 1744 (2007) of 20 February 2007, resolution 1766 (2007) of 23 July 2007, resolution 1772 (2007) of 20 August 2007, resolution 1801 (2008) of 20 February 2008, resolution 1811 (2008) of 29 April 2008, and resolution 1844 (2008) of 20 November 2008,

Recalling that, as set out in its resolutions 1744 (2007) and 1772 (2007), the arms embargo on Somalia does not apply to (a) weapons and military equipment, technical training and assistance intended solely for support of or use by the African Union Mission in Somalia (AMISOM), and (b) supplies and technical assistance by States intended solely for the purpose of helping develop security sector institutions, consistent with the political process set out in those resolutions and in the absence of a negative decision by the Committee established pursuant to resolution 751 (1992) (hereinafter referred to as "the Committee") within five working days of receiving an advance notification of such supplies or assistance on a case-by-case basis,

Reaffirming the importance of the sovereignty, territorial integrity, political independence and unity of Somalia,

Reaffirming that the Djibouti Peace Agreement and follow-on dialogue process represent the most viable basis for a resolution of the conflict in Somalia, and reiterating its commitment to a comprehensive and lasting settlement of the situation in Somalia based on the Transitional Federal Charter (TFC),

Reiterating the urgent need for all Somali leaders to take tangible steps to continue political dialogue,

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Commending the work of the Special Representative of the Secretary-General, Mr. Ahmedou Ould-Abdallah, and reaffirming its strong support for his efforts,

Taking note of the report of the Monitoring Group dated 10 December 2008 (S/2008/769) submitted pursuant to paragraph 3 (i) of resolution 1811 (2008) and the observations and recommendations contained therein,

Condemning flows of weapons and ammunition supplies to and through Somalia in violation of the arms embargo as a serious threat to peace and stability in Somalia,

Reiterating its insistence that all States, in particular those in the region, should refrain from any action in contravention of the arms embargo and should take all necessary steps to hold violators accountable,

Reiterating and underscoring the importance of enhancing the monitoring of the arms embargo in Somalia through persistent and vigilant investigation into the violations, bearing in mind that strict enforcement of the arms embargo will improve the overall security situation in Somalia,

Determining that the situation in Somalia continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Stresses* the obligation of all States to comply fully with the measures imposed by resolution 733 (1992), as well as resolution 1844 (2008);

2. *Reiterates* its intention to consider specific action to improve implementation of and compliance with measures imposed by resolution 733 (1992), as well as resolution 1844 (2008);

3. *Decides* to extend the mandate of the Monitoring Group referred to in paragraph 3 of resolution 1558 (2004), and requests the Secretary-General to take the necessary administrative measures as expeditiously as possible to re-establish the Monitoring Group for a period of twelve months, drawing, as appropriate, on the expertise of the members of the Monitoring Group established pursuant to resolution 1811 (2008), and with the addition of a fifth expert, in consultation with the Committee, in order to fulfil its expanded mandate, this mandate being as follows:

(a) to continue the tasks outlined in paragraphs 3 (a) to (c) of resolution 1587 (2005);

(b) to carry out additionally the tasks outlined in paragraphs 23 (a) to (c) of resolution 1844 (2008);

(c) to continue to investigate, in coordination with relevant international agencies, all activities, including in the financial, maritime and other sectors, which generate revenues used to commit arms embargo violations;

(d) to continue to investigate any means of transport, routes, seaports, airports and other facilities used in connection with arms embargo violations;

(e) to continue refining and updating information on the draft list of those individuals and entities who violate the measures implemented by Member States in accordance with resolution 733 (1992) and paragraphs 8 (a) to (c) of resolution 1844 (2008), inside and outside Somalia, and their active supporters, for possible future

measures by the Council, and to present such information to the Committee as and when the Committee deems appropriate;

(f) to continue making recommendations based on its investigations, on the previous reports of the Panel of Experts (S/2003/223 and S/2003/1035) appointed pursuant to resolutions 1425 (2002) of 22 July 2002 and 1474 (2003) of 8 April 2003, and on the previous reports of the Monitoring Group (S/2004/604, S/2005/153, S/2005/625, S/2006/229, S/2006/913, S/2007/436,S/2008/274 and S/2008/769) appointed pursuant to resolutions 1519 (2003) of 16 December 2003, 1558 (2004) of 17 August 2004, 1587 (2005) of 15 March 2005, 1630 (2005) of 14 October 2005,1676 (2006) of 10 May 2006, 1724 (2006) of 29 November 2006, 1766 (2007) of 23 July 2007 and 1811 (2008) of 29 April 2008;

(g) to work closely with the Committee on specific recommendations for additional measures to improve overall compliance with the arms embargo, as well as the measures imposed in paragraphs 1, 3 and 7 of resolution 1844 (2008);

(h) to assist in identifying areas where the capacities of States in the region can be strengthened to facilitate the implementation of the arms embargo, as well as the measures imposed in paragraphs 1, 3 and 7 of resolution 1844 (2008);

(i) to provide to the Council, through the Committee, a midterm briefing within six months of its establishment, and to submit progress reports to the Committee on a monthly basis;

(j) to submit, for the Security Council's consideration, through the Committee, a final report covering all the tasks set out above, no later than 15 days prior to the termination of the Monitoring Group's mandate;

4. *Further requests* the Secretary-General to make the necessary financial arrangements to support the work of the Monitoring Group;

5. *Reaffirms* paragraphs 4, 5, 7, 8 and 10 of resolution 1519 (2003);

6. *Requests* the Committee, in accordance with its mandate and in consultation with the Monitoring Group and other relevant United Nations entities, to consider the recommendations in the reports of the Monitoring Group dated 5 April 2006, 16 October 2006, 17 July 2007, 24 April 2008, and 10 December 2008 and recommend to the Council ways to improve implementation of and compliance with the arms embargo as well as the measures imposed in paragraphs 1, 3 and 7 of resolution 1844 (2008), in response to continuing violations;

7. *Decides* to remain actively seized of the matter.

United Nations S/RES/1854 (2008)

Security Council

Distr.: General
19 December 2008

Resolution 1854 (2008)

Adopted by the Security Council at its 6051st meeting, on 19 December 2008

The Security Council,

Recalling its previous resolutions and statements by its President on the situation in Liberia and West Africa,

Welcoming the sustained progress made by the Government of Liberia since January 2006, in rebuilding Liberia for the benefit of all Liberians, with the support of the international community,

Recalling its decision not to renew the measures in paragraph 10 of resolution 1521 (2003) regarding round log and timber products originating in Liberia, and stressing that Liberia's progress in the timber sector must continue with the effective implementation and enforcement of the National Forestry Reform Law signed into law on 5 October 2006, including the resolution of land and tenure rights, the conservation and protection of biodiversity, and the process for the awarding of contracts for commercial forestry operations,

Recalling its decision to terminate the measures in paragraph 6 of resolution 1521 (2003) regarding diamonds, and welcoming the Government of Liberia's participation in the Kimberley Process Certification Scheme, noting Liberia's implementation of the necessary internal controls and other requirements of the Kimberley Process, and calling on the Government of Liberia to continue to work diligently to ensure the effectiveness of these controls,

Recalling the statement of its President on 25 June 2007 (S/PRST/2007/22) recognizing the role of voluntary initiatives aimed at improving revenue transparency such as the Extractive Industries Transparency Initiative (EITI) and noting General Assembly resolution 62/274 on strengthening transparency in industries, supports Liberia's decision to inter alia take part in EITI and other extractive industry transparency initiatives and encourages Liberia's continued progress in implementing their EITI work plan to improve revenue transparency,

Stressing the continuing importance of the United Nations Mission in Liberia (UNMIL) in improving security through Liberia and helping the Government establish its authority throughout the country, particularly in the diamond, timber, and other natural resources-producing regions, and border areas,

08-66382 (E)

Taking note of the report of the United Nations Panel of Experts on Liberia dated 16 December 2008 (S/2008/785), including on the issues of diamonds, timber, targeted sanctions, and arms and security,

Having reviewed the measures imposed by paragraphs 2 and 4 of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004) and the progress towards meeting the conditions set out by paragraph 5 of resolution 1521 (2003), and concluding that insufficient progress has been made towards that end,

Underlining its determination to support the Government of Liberia in its efforts to meet those conditions, and encouraging donors to do likewise,

Urging all parties to support the Government of Liberia in identifying and implementing measures that will ensure progress towards meeting the conditions set out by paragraph 5 of resolution 1521 (2003),

Determining that, despite significant progress having been made in Liberia, the situation there continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides*, on the basis of its assessment of progress made to date towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003):

(a) To renew the measures on arms imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006) and by paragraph 1 (b) of resolution 1731 (2006) and to renew the measures on travel imposed by paragraph 4 of resolution 1521 (2003) for a further period of 12 months from the date of adoption of this resolution;

(b) That Member States shall notify the Committee established by paragraph 21 of resolution 1521 (2003) ("the Committee") upon delivery of all arms and related materiel supplied in accordance with paragraph 2 (e) or 2 (f) of resolution 1521 (2003), paragraph 2 of resolution 1683 (2006), or paragraph 1 (b) of resolution 1731;

(c) To review any of the above measures at the request of the Government of Liberia, once the Government reports to the Council that the conditions set out in resolution 1521 (2003) for terminating the measures have been met, and provides the Council with information to justify its assessment;

2. *Recalls* that the measures imposed by paragraph 1 of resolution 1532 (2004) remain in force, notes with concern the findings of the Panel of Experts on the lack of progress in this regard, and calls on the Government of Liberia to continue to make all necessary efforts to fulfil its obligations;

3. *Reconfirms* its intention to review the measures imposed by paragraph 1 of resolution 1532 (2004) at least once a year, and directs the Committee, in coordination with the relevant designating States and with the assistance of the Panel of Experts, to update as necessary the publicly available reasons for listing for entries on the travel ban and assets freeze lists as well as the Committee's guidelines, particularly with regard to listing and delisting procedures;

4. *Decides* to extend the mandate of the current Panel of Experts appointed pursuant to paragraph 1 of resolution 1819 (2008) for a further period until 20 December 2009 to undertake the following tasks:

(a) To conduct two follow-up assessment missions to Liberia and neighbouring States, in order to investigate and compile a midterm and a final report on the implementation, and any violations, of the measures imposed by resolution 1521 (2003) and renewed in paragraph 1 above, including any information relevant to the designation by the Committee of the individuals described in paragraph 4 (a) of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004), and including the various sources of financing, such as from natural resources, for the illicit trade of arms;

(b) To assess the impact of and effectiveness of the measures imposed by paragraph 1 of resolution 1532 (2004), including particularly with respect to the assets of former President Charles Taylor;

(c) To assess the implementation of forestry legislation passed by the Liberian Congress on 19 September 2006 and signed into law by President Johnson Sirleaf on 5 October 2006;

(d) To assess the Government of Liberia's compliance with the Kimberley Process Certification Scheme, and to coordinate with the Kimberley Process in assessing compliance;

(e) To provide a midterm report to the Council through the Committee by 1 June 2009 and a final report to the Council through the Committee by 20 December 2009 on all the issues listed in this paragraph, and to provide informal updates to the Committee as appropriate before those dates, especially on progress in the timber sector since the lifting of paragraph 10 of resolution 1521 (2003) in June 2006, and in the diamond sector since the lifting of paragraph 6 of resolution 1521 (2003) in April 2007;

(f) To cooperate actively with other relevant groups of experts, in particular that on Côte d'Ivoire re-established by paragraph 10 of resolution 1842 (2008), and with the Kimberley Process Certification Scheme;

(g) To identify and make recommendations regarding areas where the capacity of States in the region can be strengthened to facilitate the implementation of the measures imposed by paragraph 4 of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004);

(h) To assist the Committee in updating the publicly available reasons for listing for entries on the travel ban and assets freeze lists;

5. *Requests* the Secretary-General to reappoint the current members of the Panel of Experts and to make the necessary financial and security arrangements to support the work of the Panel;

6. *Calls upon* all States and the Government of Liberia to cooperate fully with the Panel of Experts in all the aspects of its mandate;

7. *Encourages* the Government of Liberia to continue to implement the recommendations of the 2008 Kimberley Process review team to strengthen internal controls over diamond mining and export;

8. *Encourages* the Kimberley Process to continue to cooperate with the Panel of Experts and to report on developments regarding Liberia's implementation of the Kimberley Process Certification Scheme;

9. *Decides* to remain actively seized of the matter.

Security Council

Distr.: General
19 December 2008

Resolution 1855 (2008)

Adopted by the Security Council at its 6052nd meeting, on 19 December 2008

The Security Council,

Recalling its resolutions 955 (1994) of 8 November 1994, 1165 (1998) of 30 April 1998, 1329 (2000) of 30 November 2000, 1411 (2002) of 17 May 2002, 1431 (2002) of 14 August 2002,

Recalling in particular that resolution 1503 (2003) of 28 August 2003 called upon the International Criminal Tribunal for Rwanda (the International Tribunal) to take all possible measures to complete all trial activities at first instance by the end of 2008 and to complete all work in 2010, and that resolution 1534 (2004) of 26 March 2004 emphasized the importance of fully implementing the International Tribunal's completion strategy,

Taking note of the letter to the President of the Council from the Secretary-General dated 18 December 2008, attaching the letter to him from the President of the International Tribunal dated 10 December 2008 (S/2008/798), and *having considered* the proposals made by the President of the International Tribunal,

Noting that two permanent judges currently serving at the Tribunal will resign by the end of 2008, and that three other permanent judges have indicated their intention to resign upon the completion of their respective cases, and that their replacement would not be necessary if the International Tribunal is authorized to assign more *ad litem* judges to cases,

Convinced of the advisability of allowing the Secretary-General to appoint additional *ad litem* Judges to the nine *ad litem* Judges authorized by the Statute, as a temporary measure to enable the International Tribunal to complete trials and conduct additional trials as soon as possible in order to meet its completion strategy,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that the Secretary-General may appoint, within existing resources, additional *ad litem* Judges upon request of the President of the International Tribunal in order to complete existing trials or conduct additional trials, notwithstanding that the total number of *ad litem* Judges appointed to the Chambers will from time to time temporarily exceed the maximum of nine provided for in article 11, paragraph 1, of the Statute of the International Tribunal, to a

maximum of twelve at any one time, returning to a maximum of nine by 31 December 2009;

2. *Decides* to amend article 11, paragraph 2, of the Statute of the International Tribunal as set out in the annex to this resolution;

3. *Decides* to remain seized of the matter.

Annex

Article 11: Composition of the Chambers

2. Each Trial Chamber may be divided into sections of three judges each. A section of a Trial Chamber shall have the same powers and responsibilities as a Trial Chamber under the present Statute and shall render judgment in accordance with the same rules.

United Nations S/RES/1856 (2008)

Security Council

Distr.: General
22 December 2008

Resolution 1856 (2008)

Adopted by the Security Council at its 6055th meeting, on 22 December 2008

The Security Council,

Recalling its resolutions and the statements of its President concerning the Democratic Republic of the Congo, in particular resolution 1843 (2008) and resolution 1794 (2007) and the statements of its President dated 29 October 2008 (S/PRST/2008/40) and 21 October 2008 (S/PRST/2008/38),

Reaffirming its commitment to the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo,

Stressing the primary responsibility of the Government of the Democratic Republic of the Congo for ensuring security in its territory and protecting its civilians with respect for the rule of law, human rights and international humanitarian law,

Condemning the Congrès national pour la Défense du people (CNDP) repeated offensive military actions in the past months, which have caused massive displacement of populations in North Kivu as well as cross-border movements of refugees and which have also involved the PARECO and other illegal armed groups, and *condemning* also the attacks by the Lord's Resistance Army (LRA) in the Orientale Province, as well as the resumption of hostilities by illegal armed groups in Ituri,

Underlining that a major obstacle to lasting peace in the Kivus is the presence and activities of illegal armed groups on Congolese territory, including the Forces Démocratiques de Libération du Rwanda (FDLR) as acknowledged by its resolution 1804 (2008), which represent one of the primary causes for the conflict in the region,

Taking note of the final declaration of the Nairobi summit organized on 7 November 2008 by President Mwai Kibaki, acting Chairman of the International Conference on the Great Lakes region, and President Jakaya Kikwete, President-in-office of the African Union, and the communiqué of the extraordinary summit of the SADC Heads of State and Government held in Sandton on 9 November 2008, *welcoming* the appointment of facilitators including the Special Envoy of the Secretary-General for the Great Lakes region, former Nigerian President Olusegun Obasanjo, and the former President of the United Republic of Tanzania, Benjamin Mkapa, *inviting* these facilitators to keep the Council informed of their activities, and *encouraging*

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the countries of the region to maintain this high level of commitment on the crisis in the eastern part of the Democratic Republic of the Congo, and act to assist efforts to resolve the conflict,

Recalling the joint communiqué of the Government of the Democratic Republic of Congo and the Government of the Republic of Rwanda signed in Nairobi on 9 November 2007 and the Acte d'engagement which emerged from the Conference for Peace, Security and Development in North and South Kivu, held in Goma from 6 to 23 January 2008, and *reaffirming* that the Goma and Nairobi processes are the appropriate framework for stabilising the situation in the eastern part of the Democratic Republic of the Congo,

Emphasizing the responsibility of the Government of the Democratic Republic of the Congo and the Governments of the region to prevent the use of their respective territories in support of violations of the arms embargo imposed by resolution 1807 (2008) or in support of activities of armed groups present in the region in accordance with the Pact on Security, Stability and Development for the Great Lakes Region and *urging* them to take effective measures to prevent cross-border support to any illegal armed group in the eastern region of the Democratic Republic of the Congo, and *welcoming* the progress made in high-level bilateral talks between the Governments of the Democratic Republic of the Congo and Rwanda,

Recalling also the importance of urgently carrying out comprehensive and lasting security sector reform and of permanently disarming, demobilizing, resettling or repatriating, as appropriate, and reintegrating Congolese and foreign armed groups for the long-term stabilization of the Democratic Republic of the Congo, and the contribution made by international partners in this field,

Recognizing the link between the illegal exploitation of natural resources, the illicit trade in such resources and the proliferation and trafficking of arms as one of the major factors fuelling and exacerbating conflicts in the Great Lakes region of Africa, and in particular in the Democratic Republic of the Congo,

Expressing its extreme concern at the deteriorating humanitarian and human rights situation, *condemning* in particular the targeted attacks against the civilian population, sexual violence, recruitment of child soldiers and summary executions, and *stressing* the urgent need for the Government of the Democratic Republic of the Congo, in cooperation with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and other relevant actors, to end those violations of human rights and international humanitarian law, in particular those carried out by the militias and armed groups and by elements of the Armed Forces of the Democratic Republic of the Congo (FARDC), the Congolese National Police (PNC) and other security and intelligence services, and to bring the perpetrators, as well as the senior commanders under whom they serve, to justice, and *calling on* Member States to assist in this regard and to continue to provide medical, humanitarian and other assistance to victims,

Recalling its resolutions 1325 (2000) and 1820 (2008) on women, peace and security, its resolution 1502 (2003) on the protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones, its resolution 1674 (2006) on the protection of civilians in armed conflicts, and its resolution 1612 (2005) on children in armed conflict, and *recalling* the conclusions of the Security

Council Working Group on Children and Armed Conflict pertaining to parties in the armed conflict of the Democratic Republic of Congo (S/2008/693),

Condemning the continuing illicit flow of weapons within and into the Democratic Republic of the Congo and *declaring* its determination to continue to monitor closely the implementation of the arms embargo and other measures set out by its resolution 1807 (2008),

Underscoring the long-term, sustainable efforts needed from the Government of the Democratic Republic of the Congo and its international partners to consolidate democracy and promote the rule of law, good governance, recovery and development,

Expressing its full support for MONUC, *condemning* all attacks against United Nations peacekeepers and humanitarian personnel, regardless of their perpetrators, and *emphasizing* that those responsible for such attacks must be brought to justice,

Recalling that the temporary increase of MONUC's capacities authorized by its resolution 1843 (2008) aims at enabling MONUC to reorganize, and in particular reconfigure its structure and forces and optimize their deployment, allowing the constitution of a quick-reaction capability to provide greater flexibility to deploy as needed to strengthen efforts to protect civilians and provide additional security in the eastern part of the Democratic Republic of the Congo,

Recognizing that effective coordination between the Government of the Democratic Republic of the Congo and MONUC on security matters in the areas of conflict as well as the accelerated building of credible, cohesive and disciplined Congolese armed forces is essential for the implementation of MONUC's mandate,

Taking note of the fourth special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo, dated 21 November 2008 (S/2008/728), and of its recommendations,

Determining that the situation in the Democratic Republic of the Congo continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the deployment of MONUC until 31 December 2009 and *authorizes* the continuation until that date of up to 19,815 military personnel, 760 military observers, 391 police personnel and 1,050 personnel of formed police units;

2. *Requests* MONUC to attach the highest priority to addressing the crisis in the Kivus, in particular the protection of civilians, and to concentrate progressively during the coming year its action in the eastern part of the Democratic Republic of the Congo;

3. *Decides* that MONUC shall, from the adoption of this resolution, have the mandate, in this order of priority, working in close cooperation with the Government of the Democratic Republic of the Congo in order to:

Protection of civilians, humanitarian personnel and United Nations personnel and facilities

(a) Ensure the protection of civilians, including humanitarian personnel, under imminent threat of physical violence, in particular violence emanating from any of the parties engaged in the conflict;

(b) Contribute to the improvement of the security conditions in which humanitarian assistance is provided, and assist in the voluntary return of refugees and internally displaced persons;

(c) Ensure the protection of United Nations personnel, facilities, installations and equipment;

(d) Ensure the security and freedom of movement of United Nations and associated personnel;

(e) Carry out joint patrols with the national police and security forces to improve security in the event of civil disturbance;

Disarmament, demobilization, monitoring of resources of foreign and Congolese armed groups

(f) Deter any attempt at the use of force to threaten the Goma and Nairobi processes from any armed group, foreign or Congolese, particularly in the eastern part of the Democratic Republic of the Congo, including by using cordon and search tactics and undertaking all necessary operations to prevent attacks on civilians and disrupt the military capability of illegal armed groups that continue to use violence in that area;

(g) Coordinate operations with the FARDC integrated brigades deployed in the eastern part of the Democratic Republic of the Congo and support operations led by and jointly planned with these brigades in accordance with international humanitarian, human rights and refugee law with a view to:

- Disarming the recalcitrant local armed groups in order to ensure their participation in the disarmament, demobilization and reintegration process and the release of children associated with those armed groups;
- Disarming the foreign armed groups in order to ensure their participation in the disarmament, demobilization, repatriation, resettlement and reintegration process (DDRRR) and the release of children associated with those armed groups;
- Preventing the provision of support to illegal armed groups, including support derived from illicit economic activities;

(h) Facilitate the voluntary demobilization and repatriation of disarmed foreign combatants and their dependants;

(i) Contribute to the implementation of the national programme of disarmament, demobilization and reintegration (DDR) of Congolese combatants and their dependants, with particular attention to children, by monitoring the disarmament process and providing, as appropriate, security in some sensitive locations, as well as supporting reintegration efforts pursued by the Congolese authorities in cooperation with the United Nations Country Team and bilateral and multilateral partners;

(j) Use its monitoring and inspection capacities to curtail the provision of support to illegal armed groups derived from illicit trade in natural resources;

Training and mentoring of FARDC in support for security sector reform

(k) Provide military training, including in the area of human rights, international humanitarian law, child protection and the prevention of gender-based violence, to various members and units of the FARDC integrated brigades deployed in the eastern part of the Democratic Republic of the Congo, as part of international broader efforts to support the security sector reform;

(l) In coordination with international partners, including the European Union operations EUSEC and EUPOL, to contribute to the efforts of the international community to assist the Congolese Government in the initial planning process of the security sector reform, to build credible, cohesive, and disciplined Congolese armed forces and to develop the capacities of the Congolese national police and related law enforcement agencies;

Territorial security of the Democratic Republic of the Congo

(m) Observe and report in a timely manner on the position of armed movements and groups and the presence of foreign military forces in the key areas of volatility, especially by monitoring the use of landing strips and the borders, including on the lakes;

(n) Monitor the implementation of the measures imposed by paragraph 1 of resolution 1807 (2008), in cooperation, as appropriate, with the Governments concerned and with the Group of Experts established by resolution 1533 (2004), including by inspecting, as it deems necessary and without notice, the cargo of aircraft and of any transport vehicle using the ports, airports, airfields, military bases and border crossings in North and South Kivu and in Ituri;

(o) Seize or collect, as appropriate, the arms and any related materiel whose presence in the territory of the Democratic Republic of the Congo violates the measures imposed by paragraph 1 of resolution 1807 (2008) and to dispose of such arms and related materiel as appropriate;

(p) Provide assistance to the competent customs authorities of the Democratic Republic of the Congo in implementing the provisions of paragraph 8 of resolution 1807 (2008);

(q) Assist the Government of the Democratic Republic of the Congo, in enhancing its demining capacity;

4. *Decides* that MONUC will also have the mandate, in close cooperation with the Congolese authorities, the United Nations Country Team and donors, to support the strengthening of democratic institutions and the rule of law and, to that end, to:

(a) Provide advice to strengthen democratic institutions and processes at the national, provincial, regional and local levels;

(b) Promote national reconciliation and internal political dialogue, including through the provision of good offices, and support the strengthening of civil society and multi-party democracy, and give the necessary support to the Goma and Nairobi processes;

(c) Assist in the promotion and protection of human rights, with particular attention to women, children and vulnerable persons, investigate human rights violations and publish its findings, as appropriate, with a view to putting an end to impunity, assist in the development and implementation of a transitional justice strategy, and cooperate in national and international efforts to bring to justice perpetrators of grave violations of human rights and international humanitarian law;

(d) In close coordination with international partners and the United Nations Country Team, provide assistance to the Congolese authorities, including the National Independent Electoral Commission, in the organization, preparation and conduct of local elections;

(e) Assist in the establishment of a secure and peaceful environment for the holding of free and transparent local elections that are expected to be held by the end of June 2009;

(f) Contribute to the promotion of good governance and respect for the principle of accountability;

(g) In coordination with international partners, advise the Government of the Democratic Republic of the Congo in strengthening the capacity of the judicial and correctional systems, including the military justice system;

5. *Authorizes* MONUC to use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to carry out the tasks listed in paragraph 3, subparagraphs (a) to (g), (i), (j), (n), (o), and in paragraph 4, subparagraph (e);

6. *Emphasizes* that the protection of civilians, as described in paragraph 3, subparagraphs (a) to (e), must be given priority in decisions about the use of available capacity and resources, over any of the other tasks described in paragraphs 3 and 4;

7. *Requests* the Secretary-General to present recommendations in his next three-monthly report on the progressive handover of those tasks listed in paragraph 4, from MONUC to the United Nations country team and bilateral and multilateral partners, as far as the western part of the country is concerned, with a view to reinforcing the action of United Nations peacebuilding mechanisms in the Democratic Republic of the Congo and in order to permit MONUC to concentrate its efforts on the eastern part of the country;

8. *Underscores* the importance of MONUC implementing the mandate described in this resolution in full, including through robust rules of engagement and *requests* the Secretary-General to ensure that MONUC's concept of operation and rules of engagement are updated by 31 January 2009 to bring them fully in line with the provisions of this resolution and to report on it to the Security Council and troop-contributing countries;

9. *Requests* the Secretary-General to continue to report regularly, and at least every three months, on the situation in the Democratic Republic of the Congo and on MONUC's activities, and to provide the Security Council, with the same regularity, a specific update on the military situation;

10. *Requests* in particular the Secretary-General, in his next report under paragraph 9 above, to inform the Security Council on the development of a strategic

workplan with appropriate benchmarks to measure and track progress on the implementation the mandate described in paragraphs 3 and 4;

11. *Requests* the Secretary-General to include in his next report a comprehensive assessment of MONUC's DDR and DDRRR programmes and, in close coordination with his Special Envoy for the Great Lakes region, to make recommendations on possible adjustments needed to increase their effectiveness, resourcing and coordination with MONUC's military component;

12. *Demands* that all parties cooperate fully with the operations of MONUC and that they ensure the security of as well as unhindered and immediate access for United Nations and associated personnel in carrying out their mandate, throughout the territory of the Democratic Republic of the Congo, *demands* in particular that all parties provide full access to MONUC military observers, including in all ports, airports, airfields, military bases and border crossings, and, in addition, that MONUC human rights observers are granted access to detention centres and brassage centres, and *requests* the Secretary-General to report without delay any failure to comply with these demands;

13. *Requests* MONUC, in view of the scale and severity of sexual violence committed especially by armed elements in the Democratic Republic of the Congo, to strengthen its efforts to prevent and respond to sexual violence, including through training for the Congolese security forces in accordance with its mandate, and to regularly report, including in a separate annex if necessary, on actions taken in this regard, including data on instances of sexual violence and trend analyses of the problem;

14. *Emphasizes* that operations led by the FARDC against illegal foreign and Congolese armed groups should, consistent with the mandate set forth in paragraph 3 subparagraph (g) above, be planned jointly with MONUC and in accordance with international humanitarian, human rights and refugee law and should include appropriate measures to protect civilians;

15. *Takes note* of the measures taken by MONUC to address instances of sexual exploitation and abuse and of the zero-tolerance policy, *requests* the Secretary-General to continue to fully investigate the allegations of sexual exploitation and violence by civilian and military personnel of MONUC, to take the appropriate measures set out in the Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13);

16. *Encourages* MONUC to enhance its interaction with the civilian population, in particular internally displaced persons, to raise awareness and understanding about its mandate and activities;

17. *Demands that* all the parties to the Goma and Nairobi processes respect the ceasefire and implement their commitments effectively and in good faith, *calls on* all armed groups to immediately lay down their arms and present themselves without any further delay or preconditions to Congolese authorities and MONUC for their disarmament, repatriation, resettlement and/or reintegration, as appropriate;

18. *Requests* the Secretary-General and his Special Envoy for the Great Lakes region to intensify their good offices, in close consultation with the Special Representative of the Secretary-General for the Democratic Republic of the Congo, in facilitating a political solution to address the underlying causes of the crisis in the

Kivus and calls on the Government of the Democratic Republic of the Congo, the Government of Rwanda and other Governments of the region, international partners and all regional and Congolese parties to cooperate with the Special Envoy of the Secretary-General for the Great Lakes region and with the Special Representative of the Secretary-General for the Democratic Republic of the Congo;

19. *Urges* the Government of the Democratic Republic of the Congo and the Government of the Republic of Rwanda to take concrete steps to defuse tensions, including through reactivating the Joint Verification Mechanism, and to step up their cooperation in order to implement fully the commitments taken in their joint communiqué signed in Nairobi on 9 November 2007 (S/2007/679), in particular to address as a priority the disarmament and repatriation of the FDLR working in close cooperation with the Special Envoy of the Secretary-General for the Great Lakes region and MONUC;

20. *Urges* all Governments in the region, in particular those of Burundi, the Democratic Republic of the Congo, Rwanda and Uganda, to resolve in a constructive manner their shared security and border problems, to prevent the use of their respective territories in support of violations of the arms embargo reaffirmed by resolution 1807 (2008) or in support of activities of armed groups present in the region, and abide by their commitments made at the Tripartite Plus meeting of September 2007 to establish bilateral diplomatic relationships;

21. *Urges* all States, especially those in the region, to take appropriate steps to end the illicit trade in natural resources, including if necessary through judicial means, and, where necessary, to report to the Security Council, *encourages* in particular the Government of the Democratic Republic of the Congo, to work with specialist organizations, international financial institutions and MONUC, as well as the countries of the region, to establish a plan for an effective and transparent control over the exploitation of natural resources including through conducting a mapping exercise of the main sites of illegal exploitation;

22. *Requests* the Government of the Democratic Republic of the Congo, with the support of the international community and of MONUC, to develop and implement as a matter of urgency a comprehensive national security sector reform strategy, including based on the outcome of the Roundtable on Security Sector held in February 2008, in order to establish professional security organizations in the areas of defence, police and the administration of justice that protect civilians, are well managed, and act in accordance with the Constitution and with respect for the rule of law, human rights and international humanitarian law and urges the Congolese Government to ensure the sustainability of the support given by its partners in this area in particular by giving priority to the reform of the administration and command structures of FARDC and all its other security forces and reiterates its call upon the Congolese authorities to establish a vetting mechanism to take into account when they select candidates for official positions, including key posts in the armed forces, national police and other security services, the candidates' past actions in terms of respect for international humanitarian law and human rights;

23. *Demands that* all parties ensure timely, safe and unhindered access of all humanitarian actors and comply fully with their obligations under international law, including international humanitarian law, human rights law and refugee law;

24. *Demands*, recalling its resolution 1698 (2006), that all armed groups, in particular the forces of Laurent Nkunda, the FDLR and the LRA immediately stop recruiting and using children and release all children associated with them;

25. *Recalls* the utmost importance of the fight against impunity, notably in the eastern part of the Democratic Republic of the Congo, by bringing to justice those who have committed crimes and atrocities;

26. *Requests* the Secretary-General, through his Special Representative for the Democratic Republic of the Congo, to continue to coordinate all the activities of the United Nations system in the Democratic Republic of the Congo;

27. *Decides* to remain actively seized of the matter.

United Nations S/RES/1857 (2008)

Security Council

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Resolution 1857 (2008)

Adopted by the Security Council at its 6056th meeting, on 22 December 2008

The Security Council,

Recalling its previous resolutions, in particular resolution 1804 (2008) and 1807 (2008), and the statements of its President concerning the Democratic Republic of the Congo,

Reaffirming its commitment to the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo as well as all States in the region,

Reiterating its serious concern regarding the presence of armed groups and militias in the eastern part of the Democratic Republic of the Congo, particularly in the provinces of North and South Kivu and the Ituri district, which perpetuate a climate of insecurity in the whole region, and *demanding that* all the parties to the Goma and Nairobi processes to respect the ceasefire and implement their commitments effectively and in good faith,

Stressing the primary responsibility of the Government of the Democratic Republic of the Congo for ensuring security in its territory and protecting its civilians with respect for the rule of law, human rights and international humanitarian law,

Taking note of the interim and final reports (S/2008/772 and S/2008/773) of the Group of Experts on the Democratic Republic of the Congo ("the Group of Experts") established pursuant to resolution 1771 (2007) and extended pursuant to resolution 1807 (2008) and of their recommendations,

Condemning the continuing illicit flow of weapons within and into the Democratic Republic of the Congo and *declaring* its determination to continue to monitor closely the implementation of the arms embargo and other measures set out by its resolutions concerning the Democratic Republic of the Congo,

Stressing the obligation of all States to abide by the notification requirements set out in paragraph 5 of resolution 1807 (2008),

Reiterating the importance of the Government of the Democratic Republic of the Congo and the Governments of the region taking effective steps to ensure that there is no support, in and from their territories, for the armed groups in the eastern part of the Democratic Republic of the Congo,

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Supporting the Democratic Republic of the Congo's decision to work towards enhancing revenue transparency in its extractive industries,

Recognizing the linkage between the illegal exploitation of natural resources, illicit trade in such resources and the proliferation and trafficking of arms as one of the major factors fuelling and exacerbating conflicts in the Great Lakes region of Africa,

Recalling its resolutions 1325 (2000) and 1820 (2008) on women, peace and security, its resolution 1502 (2003) on the protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones, its resolution 1612 (2005) on children in armed conflict and its resolution 1674 (2006) on the protection of civilians in armed conflicts,

Determining that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to renew until 30 November 2009 the measures on arms imposed by paragraph 1 of resolution 1807 (2008) and *reaffirms* the provisions of paragraphs 2, 3 and 5 of that resolution;

2. *Decides* to renew, for the period specified in paragraph 1 above, the measures on transport imposed by paragraphs 6, and 8 of resolution 1807 and *reaffirms* the provisions of paragraph 7 of that resolution;

3. *Decides* to renew, for the period specified in paragraph 1 above, the financial and travel measures imposed by paragraphs 9 and 11 of resolution 1807 (2008) and *reaffirms* the provisions of paragraphs 10 and 12 of that resolution;

4. *Decides* that the measures referred to in paragraph 3 above shall apply to the following individuals and, as appropriate, entities, as designated by the Committee:

(a) Persons or entities acting in violation of the measures taken by Member States in accordance with paragraph 1 above;

(b) Political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups;

(c) Political and military leaders of Congolese militias receiving support from outside the Democratic Republic of the Congo, who impede the participation of their combatants in disarmament, demobilization and reintegration processes;

(d) Political and military leaders operating in the Democratic Republic of the Congo and recruiting or using children in armed conflicts in violation of applicable international law;

(e) Individuals operating in the Democratic Republic of the Congo and committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement;

(f) Individuals obstructing the access to or the distribution of humanitarian assistance in the eastern part of the Democratic Republic of the Congo;

(g) Individuals or entities supporting the illegal armed groups in the eastern part of the Democratic Republic of the Congo through illicit trade of natural resources;

5. *Decides*, for a further period ending on the date referred to in paragraph 1 above, that the measures in paragraph 3 above shall continue to apply to individuals and entities already designated pursuant to paragraphs 9 and 11 of resolution 1807 (2008), paragraphs 13 and 15 of resolution 1596 (2005), paragraph 2 of resolution 1649 (2005), and paragraph 13 of resolution 1698 (2006), unless the Committee decides otherwise;

6. *Decides further* to expand the mandate of the Committee as set out in paragraph 8 of resolution 1533 (2004) and expanded upon in paragraph 18 of resolution 1596 (2005), paragraph 4 of resolution 1649 (2005) and paragraph 14 of resolution 1698 (2006) and reaffirmed in paragraph 15 of resolution 1807 (2008) to include the following tasks:

(a) to review regularly the list of individuals and entities designated by the Committee pursuant to paragraphs 4 and 5 above with a view to keeping the list as updated and accurate as possible and to confirm that listing remains appropriate and to encourage Member States to provide any additional information whenever such information becomes available;

(b) to promulgate guidelines in order to facilitate the implementation of the measures imposed by this resolution and keep them under active review as may be necessary;

7. *Calls upon* all States, in particular those of the region, to support the implementation of the measures specified in this resolution, to cooperate fully with the Committee in carrying out its mandate and to report to the Committee, within forty-five days from the date of adoption of this resolution, on the actions they have taken to implement the measures imposed by paragraphs 1, 2, 3, 4 and 5 above and *encourages* all States to send representatives, at the Committee's request, to meet the Committee for more in-depth discussion of relevant issues;

8. *Requests* the Secretary-General to extend, for a period expiring on 30 November 2009, the Group of Experts established pursuant to resolution 1771 (2007) and *requests* the Group of Experts to fulfil its mandate as set out in paragraph 18 of resolution 1807 (2008) and to report to the Council in writing, through the Committee, by 15 May 2009 and again before 15 October 2009;

9. *Decides* that the mandate of the Group of Experts referred to in paragraphs 8 above shall also include the tasks outlined below:

(a) to include in its reports to the Committee any information relevant to the Committee's designation of the individuals and entities described in paragraph 4 and 5 above;

(b) to assist the Committee in updating the publicly available reasons for listing and identifying information for individuals and entities referenced in paragraph 5 above and in compiling narrative summaries referred to in paragraph 18 below;

10. *Requests* the Group of Experts to continue to focus its activities in North and South Kivu and in Ituri;

11. *Requests* the Government of the Democratic Republic of the Congo, other governments in the region as appropriate, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the Group of Experts, to cooperate intensively, including by exchanging information regarding arms shipments, the illegal trafficking in natural resources and activities of individuals and entities designated by the Committee pursuant to paragraphs 4 and 5 above;

12. *Requests* in particular that MONUC share information with the Group of Experts, especially on the support received by armed groups, on recruitment and use of children and on the targeting of women and children in situations of armed conflicts;

13. *Further demands* that all parties and all States ensure cooperation with the Group of Experts by individuals and entities within their jurisdiction or under their control;

14. *Reiterates* its demand, expressed in paragraph 21 of resolution 1807, that all parties and all States, particularly those in the region, cooperate fully with the work of the Group of Experts, and that they ensure:

- the safety of its members;
- unhindered and immediate access, in particular to persons, documents and sites the Group of Experts deems relevant to the execution of its mandate;

15. *Encourages* Member States to take measures, as they deem appropriate, to ensure that importers, processing industries and consumers of Congolese mineral products under their jurisdiction exercise due diligence on their suppliers and on the origin of the minerals they purchase;

16. *Encourages* Member States to submit to the Committee for inclusion on its list of designees, names of individuals or entities who meet the criteria set out in paragraph 4 above, as well as any entities owned or controlled, directly or indirectly, by the submitted individuals or entities acting on behalf of or at the direction of the submitted entities;

17. *Decides* that, when proposing names to the Committee for listing, Member States shall provide a detailed statement of case, together with sufficient identifying information to allow for the positive identification of individuals and entities by Member States, and decides further that for each such proposal Member States shall identify those parts of the statement of case that may be publicly released, including for use by the Committee for development of the summary described in paragraph 18 below or for the purpose of notifying or informing the listed individual or entity, and those parts which may be released upon request to interested States;

18. *Directs* the Committee in coordination with the relevant designating States and with the assistance of the Group of Experts referred to in paragraph 8 above after a name is added to the list, to make accessible on the Committee's website a narrative summary of reasons for listing and further *directs* the Committee, with the assistance of the Group of Experts and in coordination with the relevant designating States, to update the publicly available reasons for listing and identifying information for the individuals and entities referred to in paragraph 5;

19. *Decides* that the Secretariat shall, after publication but within one week after a name is added to the list of individuals and entities, notify the Permanent Mission of the country or countries where the individual or entity is believed to be located and, in the case of individuals, the country of which the person is a national (to the extent this information is known) and to include with this notification a copy of the publicly releasable portion of the statement of case, any information on reasons for listing available on the Committee's website, a description of the effects of designation, the Committee's procedures for considering delisting requests, and the provisions regarding available exemptions;

20. *Demands* that Member States receiving notification as in paragraph 19 above take, in accordance with their domestic laws and practices, all possible measures to notify or inform in a timely manner the listed individual or entity of the designation, together with the information provided by the Secretariat as set out in paragraph 19 above;

21. *Welcomes* the establishment within the Secretariat of the Focal Point, pursuant to resolution 1730 (2006), that provides listed individuals, groups, undertakings or entities with the option to submit a petition for de-listing directly to the Focal Point;

22. *Urges* designating States and States of citizenship and residence to review de-listing petitions received through the Focal Point, in accordance with the procedures outlined in the annex to resolution 1730 (2006), in a timely manner and to indicate whether they support or oppose the request in order to facilitate the Committee's review;

23. *Directs* the Committee to consider requests, in accordance with its guidelines, for the removal from the Committee's list of designees those who no longer meet the criteria pursuant to this resolution;

24. *Decides* that the Secretariat shall, within one week after a name is removed from the Committee's list of designees, notify the Permanent Mission of the country or countries where the individual or entity is believed to be located and, in the case of individuals, the country of which the person is a national (to the extent this information is known), and *demands* that States receiving such notification take measures, in accordance with their domestic laws and practices, to notify or inform the concerned individual or entity of the delisting in a timely manner;

25. *Encourages* the Committee to ensure that fair and clear procedures exist for placing individuals and entities on the Committee's list of designees and for removing them as well as for granting humanitarian exemptions;

26. *Decides* that, when appropriate and no later than 30 November 2009, it shall review the measures set forth in this resolution, with a view to adjusting them, as appropriate, in the light of consolidation of the security situation in the Democratic Republic of the Congo, in particular progress in security sector reform including the integration of the armed forces and the reform of the national police, and in disarming, demobilizing, repatriating, resettling and reintegrating, as appropriate, Congolese and foreign armed groups;

27. *Decides* to remain actively seized of the matter.